

ORDINANCE NO. G-2014-1  
Committee: Public Works

Introduced By: Lindsey

**AN ORDINANCE TO VACATE CERTAIN PUBLIC WAYS OR PUBLIC PLACES  
WITHIN THE CITY OF EVANSVILLE, INDIANA, COMMONLY KNOWN AS TWO  
PUBLIC ALLEYS IN BLOCK 39 OF LAMASCO, EVANSVILLE, VANDERBURGH  
COUNTY, INDIANA**

BE IT ORDAINED by the Common Council of the City of Evansville, Indiana, that:

Section I. That pursuant to EMC 12.05.450, a sworn petition was presented to the Common Council of the City of Evansville, requesting that the public place or public way described in Section III below be vacated by the City of Evansville.

Section II. That after due and proper notice a timely public hearing was convened by the Common Council, at which time all interested persons were permitted to address the Common Council regarding said vacation.

Section III. That the Common Council of the City of Evansville, after due investigation and consideration has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of the part of the public way or public place described as follows, and further indicated by the words "To Be Vacated" on the drawing hereto attached, which is made a part of this Ordinance:

The following described alley ("Alley #1") running from West Delaware Street to West Iowa Street, in Block 39 of Lamasco, Evansville, Vanderburgh County, Indiana, more particularly described as follows:

All that portion of a 12 foot alley adjoining Lots 1 through 10 and Lots 11 and 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

**FILED**

**JAN 09 2014**

*Paula W. Widhersch*  
CITY CLERK

ALSO, the following described alley ("Alley #2") running from Alley #1 to another alley within Block 39 of Lamasco, Evansville, Vanderburgh County, Indiana, more particularly described as follows:

All that portion of a 12 foot alley adjoining Lots 11 through 16 and Lots 27 through 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

Section IV. That the vacation of said public way or public place described in Section III above, is subject to the rights of public utilities in the public ways per Indiana Code §36-7-3-16. Wideopenwest (WOW), AT &T, Time Warner Cable and Southern Indiana Gas and Electric Company dba Vectren Energy Deliver of Indiana ("Vectren") have indicated that relocation of their facilities in the vacated alleys will be subject to reimbursement from Petitioner. Vectren has further reserved the following easement rights:

An easement with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground, whether facilities are above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy, upon, over, under and across said strips of land together with the right of ingress and egress over the lands to and from said facilities in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strips of land, and the right to trim or remove, at Company's discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land.

Therefore, the Common Council of the City of Evansville, Indiana, does hereby find the above-described public way or public place is no longer required for public use and the public interest will be served by such vacation, and the Common Council of the City of Evansville does hereby vacate that portion of the public way or public place described in Section III above subject to the terms and conditions as stated in this Ordinance.

Ordained and passed by the City of Evansville, Indiana, this 10<sup>th</sup> day of February, 2014.

[Signatures on following page]

By: 

Printed Name: John Friend

Title: Council President

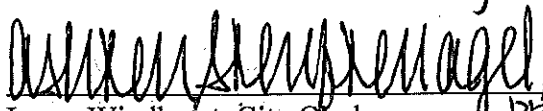
Attest:

By: 

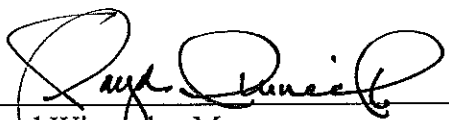
Printed Name: Ashten StenHagen

Title: Deputy City Clerk

Presented by me, the undersigned City Clerk of the City of Evansville, Indiana, to the Major of said city, this 11th day of February, 2014, for his consideration and action thereon.

  
Laura Windhorst, City Clerk DEPUTY

Having examined the foregoing ordinance, I do now, as Major of the City of Evansville, Indiana, approve said ordinance and return the same to the City Clerk this 12th day of FEBRUARY, 2014.

  
Lloyd Winnecke, Mayor

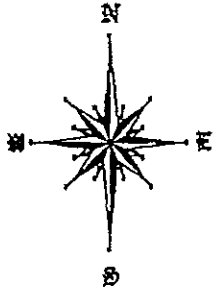
THIS ORDINANCE WAS PREPARED BY JASON P. LUEKING OF THE LAW FIRM OF BAMBERGER, FOREMAN, OSWALD AND HAHN, LLP, 201 N. ILLINOIS STREET, SUITE 1225, INDIANAPOLIS, INDIANA 46204-4219.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. [Jason P. Lueking]

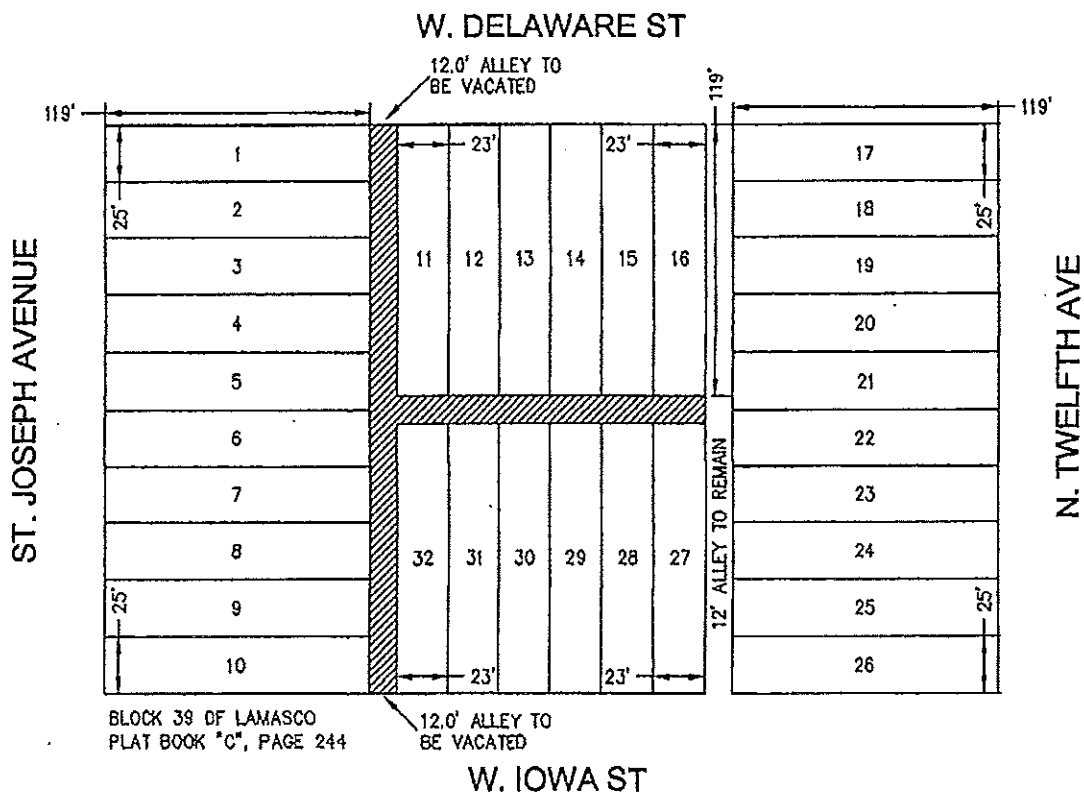
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# WARREN ST. JOE AVENUE PROPERTY, LLC

VACATION OF A 12.0' WIDE ALLEYWAY WITHIN  
BLOCK 39 OF LAMASCO, PLAT BOOK "C", PAGE 244



Scale 1" = 80'



BLOCK 39 OF LAMASCO  
PLAT BOOK "C", PAGE 244

12.0' ALLEY TO  
BE VACATED

W. IOWA ST

SHEET NO.  
1 OF 1

DATE  
11-12-13  
PROJECT NO.  
8030  
REVISIONS

DRAWN BY  
JCE  
CHECKED BY  
JCE  
SCALE  
1" = 80'

VACATION EXHIBIT  
WARREN ST. JOE PROPERTY  
ST. JOE/DELAWARE/IOWA  
EVANSVILLE, IN



ANDY EASLEY ENGINEERING, INC.  
CIVIL ENGINEERING (812) 424-2481 LAND SURVEYS  
1133 WEST HILL ROAD EVANSVILLE, IN 47710

## PETITION TO VACATE TWO PUBLIC ALLEYS IN BLOCK 39 OF LAMASCO

TO: Common Council of the City of Evansville, Indiana

Warren St. Joe Avenue Property, LLC, an Indiana limited liability company, with a mailing address of 4659 First Avenue, PO Box 9020, Evansville, Indiana 47724 ("Petitioner"), by its authorized members, being first duly sworn, in accordance with Indiana Code §36-7-3-12, petitions the Common Council of the City of Evansville, Vanderburgh County, Indiana ("City"), as follows:

1. The Petitioner requests that the City vacate two (2) public alleys within Block 39 of Lamasco in the City of Evansville, Vanderburgh County, Indiana.
2. Both alleys are in Block 39 of Lamasco, which is bounded by and adjoins West Delaware Street, North Twelfth Avenue, West Iowa Street and St. Joseph Avenue in Evansville, Vanderburgh County, Indiana.
3. The first alley ("Alley #1") runs from West Delaware Street to West Iowa Street and is more particularly described as follows:

All that portion of a 12 foot alley adjoining Lots 1 through 10 and Lots 11 and 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

4. The second alley runs from Alley #1 to another alley within Block 39 and is more particularly described as follows:

All that portion of a 12 foot alley adjoining Lots 11 through 16 and Lots 27 through 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

5. The legal description executed by registered land surveyor Donald E. Gries, and a plat showing the alleys to be vacated and surrounding property are attached hereto collectively as Exhibit A.

6. An aerial photograph of the impacted areas is attached hereto as Exhibit B and a site plan for the planned CVS store on the site is attached hereto as Exhibit B-1.

The Petitioner has executed a purchase agreement for all of the real estate (the "Adjoining Real Estate"), abutting and adjoining Alley #1 and Alley #2 (collectively, the "Alleys").

8. The vacation of the Alleys will benefit the public by Petitioner assuming all future maintenance and repair obligations with regard to the Alleys.

**FILED**

JAN 09 2014

Shirley J. Wicks  
CITY CLERK

9. The Petitioner will also pay taxes assessed upon the Alleys following the recording of the Vacation Ordinance.
10. The Petitioner has enclosed a proposed Vacation Ordinance to be executed following the hearing of the City Council.
11. All owners of the Adjoining Real Estate are identified in Exhibit C and such owners have also consented to this Petition and support the actions described herein per the consents attached hereto collectively as Exhibit D.
12. The names, addresses and zip codes of all owners of land within 200 feet of the property proposed to be vacated are attached hereto as Exhibit E.
13. The City Engineer and Evansville Fire Department have been requested to provide a report concerning the effect of the vacation described herein upon traffic flow, accessibility of emergency equipment and any other matter concerning public safety.
14. The City Engineer has not raised any objections to the alley vacations described herein and its report/response is attached hereto as Exhibit F.
15. The Evansville Fire Department has not raised any objections to the alley vacations described herein and its report/response is attached hereto as Exhibit G.
16. The vacation shall be subject to the rights of public utilities in the Alleys per Indiana Code §36-7-3-16. Further, the vacation shall be subject to Petitioner completing the purchase of the Adjoining Property within one (1) year from the date of the vacation ordinance.
17. The following persons are sole members of the Petitioner:  
Gene Warren, Jr.  
Charlotte F. Warren
17. The mailing address of the Petitioner is the following:  
Warren St. Joe Avenue Property LLC  
c/o Gene Warren, Jr.  
PO Box 9020  
Evansville, IN 47724-9020
18. Legal counsel for the Petitioner is the following:  
Bamberger, Foreman, Oswald & Hahn, LLP  
Attn: Jason P. Lueking and Laura A. Scott  
20 NW Fourth Street  
7<sup>th</sup> Floor, Hulman Bldg.  
Evansville, IN 47708

WHEREFORE, the Petitioner requests the City Clerk to publish notice of hearing as required by law and requests the Council to conduct a hearing on this Petition and at the conclusion of the hearing to pass an ordinance vacating the above described Alleys.

Dated this 11<sup>th</sup> day of December, 2013

"Petitioner"  
Warren St. Joe Avenue Property, LLC

By: Gene Warren, Jr.  
Gene Warren, Jr., Member

By: Charlotte F. Warren  
Charlotte F. Warren, Member

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VANDERBURGH )

Before me, the undersigned Notary Public in and for said County and State, came **Warren St. Joe Avenue Property, LLC**, an Indiana limited liability company, by Gene Warren, Jr. and Charlotte F. Warren its Members, who as such members, acknowledged the execution of the foregoing document for and on behalf of said company, and who, being first duly sworn, stated that all representations made therein were true to the best of their knowledge and belief.

WITNESS my hand and notarial seal this 11<sup>th</sup> day of December, 2013.

My County of residence is  
Vanderburgh County,  
State of Indiana, and  
My commission expires:  
2-5-2016

John S. Warrick III  
Notary Public  
Charlotte F. Warren  
Printed Name

THIS PETITION WAS PREPARED BY JASON P. LUEKING OF THE LAW FIRM OF BAMBERGER, FOREMAN, OSWALD AND HAHN, LLP, 201 N. ILLINOIS STREET, SUITE 1225, INDIANAPOLIS, INDIANA 46204-4219.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. [Jason P. Lueking]

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# ANDY EASLEY ENGINEERING, INC.

1133 WEST MILL ROAD, SUITE 205  
EVANSVILLE, INDIANA 47710

TELEPHONE (812) 424-2481  
FACSIMILE (812) 425-3463

[www.easleyengineering.com](http://www.easleyengineering.com)

CIVIL ENGINEERS  
LAND SURVEYORS

November 14, 2013

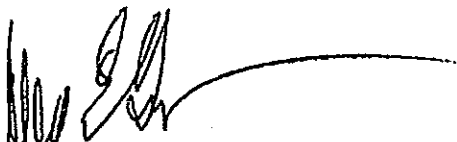
**Client:** Warren St. Joe Avenue Property, LLC

**Property:** Block 39 of Lamasco

**Parcel:** 12' Alleyway Vacation

All that portion of a 12 foot alley adjoining Lots 1 through 10 and Lots 11 and 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

Also, all that portion of a 12 foot alley adjoining Lots 11 through 16 and Lots 27 through 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

  
Donald E. Gries, PS  
IN Reg. No. 29900003

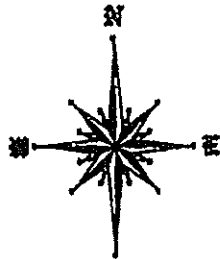


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# WARREN ST. JOE AVENUE PROPERTY, LLC

## VACATION OF A 12.0' WIDE ALLEYWAY WITHIN BLOCK 39 OF LAMASCO, PLAT BOOK "C", PAGE 244



Scale 1" = 80'

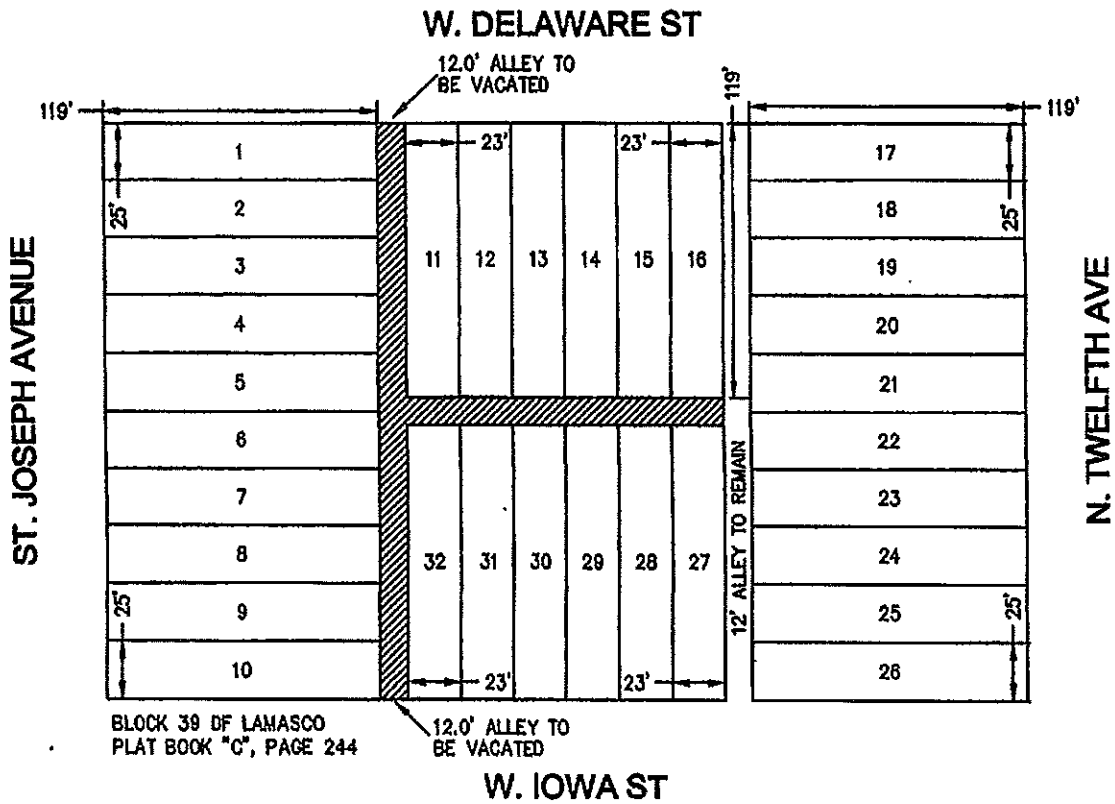


EXHIBIT A  
PAGE 2 OF 2

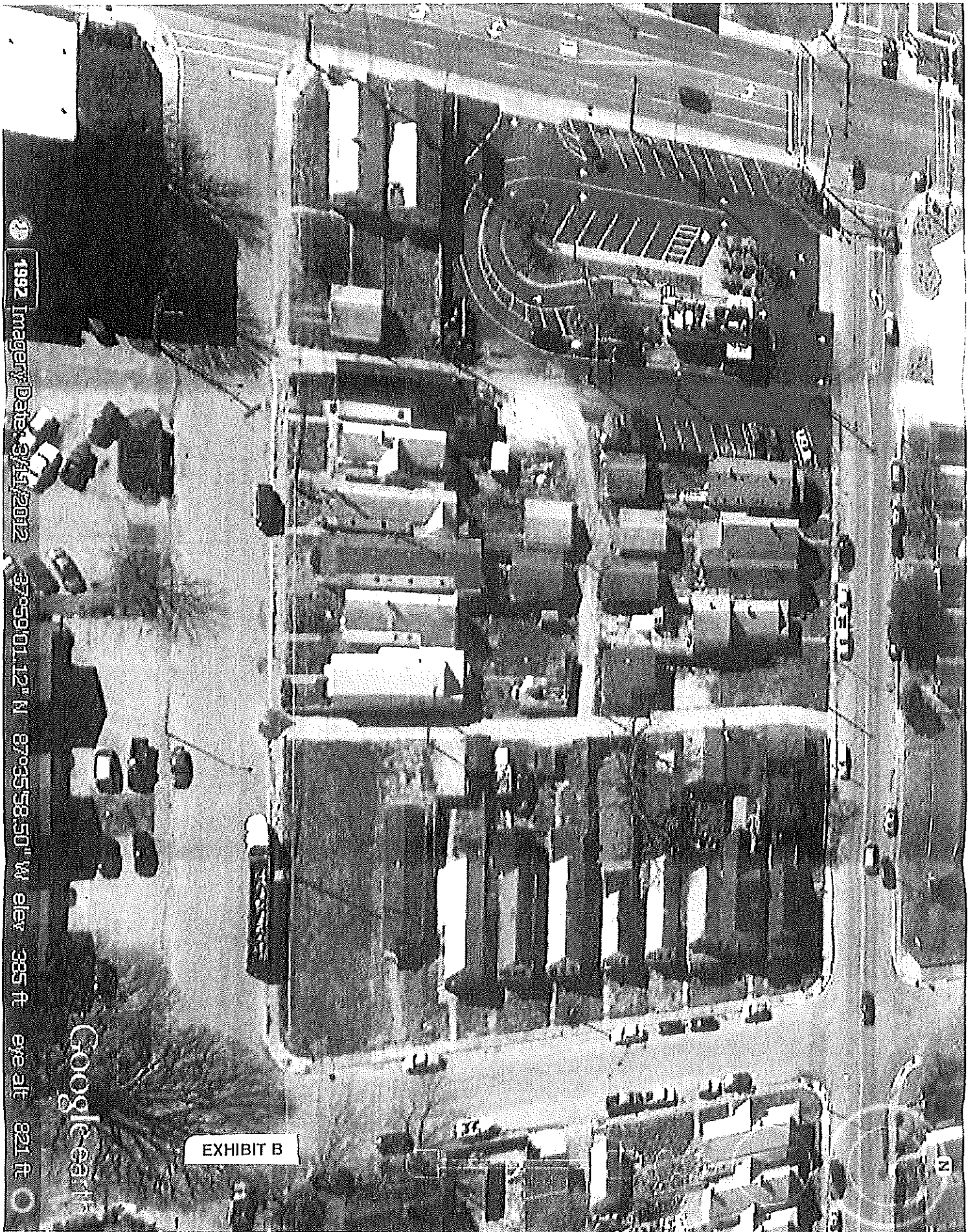
1 OF 1

DATE: 11-13-13  
PROJECT NO: 235  
REVISIONS:  
DRAWN BY: JCB  
CHECKED BY: JCB  
SCALE: 1" = 80'

VACATION EXHIBIT  
WARREN ST. JOE PROPERTY  
ST. JOE/DELAWARE/IOWA  
EVANSVILLE, IN



ANDY EASLEY ENGINEERING, INC.  
CIVIL ENGINEERING (812) 424-2451 LAND SURVEYING  
1133 WEST MILL ROAD EVANSVILLE, INDIANA 47710



1992 Imagery Date: 3/11/2012

37°59'01.12" N 87°35'58.50" W elev 385 ft eye alt 821 ft

Google Earth

EXHIBIT B



**WARREN ST. JOE AVENUE PROPERTY, LLC**  
**LIST OF OWNERS UNDER CONTRACT**

<b><u>OWNER</u></b>	<b><u>LOT NUMBER(S)</u></b> <b><u>(Block 39 Lamasco)</u></b>	<b><u>STREET ADDRESS</u></b>
B&S Property Management, LLC	Part of 11, 12	2320 W. Delaware Street
Gerald L. Bennett	16	2312 W. Delaware Street
Jane E. Bennett	32	2321 W. Iowa Street
Joseph Helterman, Trustee CAH II Trust	3, 4, 7, 8, 9, 10 Part 5, 6, and 11	609 N. St. Joseph Avenue 2322 W. Delaware Street
Catholic Foundation of Southwestern Indiana, Inc.	27	2311 W. Iowa Street
C R J Associates Joseph Helterman, Partner	2	603 N. St. Joseph Avenue
Charles E. Euler	13	2318 W. Delaware Street
Terri L. & Sean C. Euler	14	2316 W. Delaware Street
Mustafa Ibrahim	28	2313 W. Iowa Street
Bridgetta Jeffries	29	2315 W. Iowa Street
Jacqueline M. Kissinger	31	2319 W. Iowa Street
Kent Niemeier	15	2314 W. Delaware Street
Cecilia L. Noelke & Donald R. Nelson	1	601 N. St. Joseph Avenue
Steven W. Smith, Sr.	30	2317 W. Iowa Street

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EXHIBIT   C    
PAGE   1   OF   1

**Owner's Consent to Petition to Vacate Two Public Alleys**

TO: City Council of Evansville, Indiana

The undersigned, as owner of the Lot indicated below in Block 39 of Lamasco, in the City of Evansville, Vanderburgh County, Indiana, hereby consents to the Petition of Warren St. Joe Property, LLC ("Petitioner") to vacate two (2) public alleys in said Block 39, which alleys are more particularly described as follows:

The first alley ("Alley #1") runs from West Delaware Street to West Iowa Street and is more particularly described as follows:

All that portion of a 12 foot alley adjoining Lots 1 through 10 and Lots 11 and 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

The second alley runs from Alley #1 to another alley within Block 39 and is more particularly described as follows:

All that portion of a 12 foot alley adjoining Lots 11 through 16 and Lots 27 through 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

This Consent has been executed as of the 12<sup>th</sup> day of December, 2013.

B&S Property Management, LLC

By: Tim Bartlett

Printed Name: TIM BARTLETT

Title: owner

Lot Number(s): Part of 11, 12

Property Street Address: 2320 W. Delaware Street, Evansville, IN

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## Owner's Consent to Petition to Vacate Two Public Alleys

TO: City Council of Evansville, Indiana

The undersigned, as owner of the Lot indicated below in Block 39 of Lamasco, in the City of Evansville, Vanderburgh County, Indiana, hereby consents to the Petition of Warren St. Joe Property, LLC ("Petitioner") to vacate two (2) public alleys in said Block 39, which alleys are more particularly described as follows:

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All that portion of a 12 foot alley adjoining Lots 11 through 16 and Lots 27 through 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

This Consent has been executed as of the 11<sup>th</sup> day of December, 2013.

  
Gerald L. Bennett

Lot Number(s): 16

Property Street Address: 2312 W. Delaware Street, Evansville, IN

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# Owner's Consent to Petition to Vacate Two Public Alleys

TO: City Council of Evansville, Indiana

The undersigned, as owner of the Lot indicated below in Block 39 of Lamasco, in the City of Evansville, Vanderburgh County, Indiana, hereby consents to the Petition of Warren St. Joe Property, LLC ("Petitioner") to vacate two (2) public alleys in said Block 39, which alleys are more particularly described as follows:

The first alley ("Alley #1") runs from West Delaware Street to West Iowa Street and is more particularly described as follows:

All that portion of a 12 foot alley adjoining Lots 1 through 10 and Lots 11 and 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

The second alley runs from Alley #1 to another alley within Block 39 and is more particularly described as follows:

All that portion of a 12 foot alley adjoining Lots 11 through 16 and Lots 27 through 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

This Consent has been executed as of the 11th day of December, 2013.

  
Jane E. Bennett

Lot Number(s): 32

Property Street Address: 2321 W. Iowa Street, Evansville, IN

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**Owner's Consent to Petition to Vacate Two Public Alleys**

TO: City Council of Evansville, Indiana

The undersigned, as owner of the Lot indicated below in Block 39 of Lamasco, in the City of Evansville, Vanderburgh County, Indiana, hereby consents to the Petition of Warren St. Joe Property, LLC ("Petitioner") to vacate two (2) public alleys in said Block 39, which alleys are more particularly described as follows:

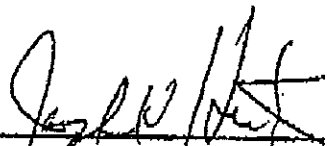
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All that portion of a 12 foot alley adjoining Lots 11 through 16 and Lots 27 through 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

This Consent has been executed as of the 24 day of December, 2013.

  
\_\_\_\_\_  
Joseph Heltermann, Trustee  
CAH II Trust *HERTZMAN*

Lot Number(s): 3, 4, 7, 8, 9, 10, Part of 5, 6, and 11

Property Street Address: 609 N. St. Joseph Avenue, Evansville, Indiana  
2322 W. Delaware Street, Evansville, Indiana

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EXHIBIT D  
PAGE 4 OF 14



**Owner's Consent to Petition to Vacate Two Public Alleys**

TO: City Council of Evansville, Indiana

The undersigned, as owner of the Lot indicated below in Block 39 of Lamasco, in the City of Evansville, Vanderburgh County, Indiana, hereby consents to the Petition of Warren St. Joe Property, LLC ("Petitioner") to vacate two (2) public alleys in said Block 39, which alleys are more particularly described as follows:

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All that portion of a 12 foot alley adjoining Lots 11 through 16 and Lots 27 through 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

This Consent has been executed as of the 27 day of December, 2013.

Catholic Foundation of Southwestern Indiana, Inc.

By: \_\_\_\_\_

Printed Name: DAVID A FURKS

Title: Board Chairman, Catholic Foundation of Southwestern IN

Lot Number(s): 27

Property Street Address: 2311 W. Iowa Street, Evansville, Indiana

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EXHIBIT D  
PAGE 5 OF 14

**Owner's Consent to Petition to Vacate Two Public Alleys**

TO: City Council of Evansville, Indiana

The undersigned, as owner of the Lot indicated below in Block 39 of Lamasco, in the City of Evansville, Vanderburgh County, Indiana, hereby consents to the Petition of Warren St. Joe Property, LLC ("Petitioner") to vacate two (2) public alleys in said Block 39, which alleys are more particularly described as follows:

The first alley ("Alley #1") runs from West Delaware Street to West Iowa Street and is more particularly described as follows:

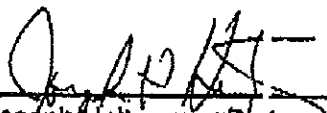
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All that portion of a 12 foot alley adjoining Lots 11 through 16 and Lots 27 through 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

This Consent has been executed as of the 24 day of December, 2013.

C R J Associates

By:   
Joseph Heltzman, Partner  
HELTZMAN

Lot Number(s): 2

Property Street Address: 633 N. St. Joseph Avenue, Evansville, Indiana

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EXHIBIT D  
PAGE 62 OF 14

**Owner's Consent to Petition to Vacate Two Public Alleys**

TO: City Council of Evansville, Indiana

The undersigned, as owner of the Lot indicated below in Block 39 of Lamasco, in the City of Evansville, Vanderburgh County, Indiana, hereby consents to the Petition of Warren St. Joe Property, LLC ("Petitioner") to vacate two (2) public alleys in said Block 39, which alleys are more particularly described as follows:

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The second alley runs from Alley #1 to another alley within Block 39 and is more particularly described as follows:

All that portion of a 12 foot alley adjoining Lots 11 through 16 and Lots 27 through 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

This Consent has been executed as of the 17 day of December, 2013.

  
Charles E. Euler

Lot Number(s): 13

Property Street Address: 2318 W. Delaware Street, Evansville, Indiana

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**Owner's Consent to Petition to Vacate Two Public Alleys**

TO: City Council of Evansville, Indiana

The undersigned, as owner of the Lot indicated below in Block 39 of Lamasco, in the City of Evansville, Vanderburgh County, Indiana, hereby consents to the Petition of Warren St. Joe Properly, LLC ("Petitioner") to vacate two (2) public alleys in said Block 39, which alleys are more particularly described as follows:

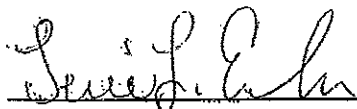
The first alley ("Alley #1") runs from West Delaware Street to West Iowa Street and is more particularly described as follows:

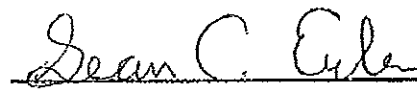
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This Consent has been executed as of the 17 day of December, 2013.

  
Terri L. Euler

  
Sean C. Euler

Lot Number(s): 14

Property Street Address: 2316 W. Delaware Street, Evansville, Indiana

L:\LIB\DOCS\62323\REALEST\12Y6696.DOC

**Owner's Consent to Petition to Vacate Two Public Alleys**

TO: City Council of Evansville, Indiana

The undersigned, as owner of the Lot indicated below in Block 39 of Lamasco, in the City of Evansville, Vanderburgh County, Indiana, hereby consents to the Petition of Warren St. Joe Property, LLC ("Petitioner") to vacate two (2) public alleys in said Block 39, which alleys are more particularly described as follows:

The first alley ("Alley #1") runs from West Delaware Street to West Iowa Street and is more particularly described as follows:

All that portion of a 12 foot alley adjoining Lots 1 through 10 and Lots 11 and 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

The second alley runs from Alley #1 to another alley within Block 39 and is more particularly described as follows:

All that portion of a 12 foot alley adjoining Lots 11 through 16 and Lots 27 through 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

This Consent has been executed as of the 13 day of December, 2013.

  
Mustafa Ibrahim

Lot Number(s): 28

Property Street Address: 2313 W. Iowa Street, Evansville, Indiana

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**Owner's Consent to Petition to Vacate Two Public Alleys**

TO: City Council of Evansville, Indiana

The undersigned, as owner of the Lot indicated below in Block 39 of Lamasco, in the City of Evansville, Vanderburgh County, Indiana, hereby consents to the Petition of Warren St. Joe Property, LLC ("Petitioner") to vacate two (2) public alleys in said Block 39, which alleys are more particularly described as follows:

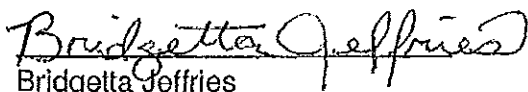
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This Consent has been executed as of the 13 day of December, 2013.

  
Bridgetta Jeffries

Lot Number(s): 29

Property Street Address: 2315 W. Iowa Street, Evansville, Indiana

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EXHIBIT D  
PAGE 10 OF 14

**Owner's Consent to Petition to Vacate Two Public Alleys**

TO: City Council of Evansville, Indiana

The undersigned, as owner of the Lot indicated below in Block 39 of Lamasco, in the City of Evansville, Vanderburgh County, Indiana, hereby consents to the Petition of Warren St. Joe Property, LLC ("Petitioner") to vacate two (2) public alleys in said Block 39, which alleys are more particularly described as follows:

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All that portion of a 12 foot alley adjoining Lots 11 through 16 and Lots 27 through 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

This Consent has been executed as of the 13 day of December, 2013.

CR Bush POA.  
Jacqueline M. Kissinger

Lot Number(s): 31

Property Street Address: 2319 W. Iowa Street, Evansville, Indiana

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EXHIBIT D  
PAGE 11 OF 14

**Owner's Consent to Petition to Vacate Two Public Alleys**

TO: City Council of Evansville, Indiana

The undersigned, as owner of the Lot indicated below in Block 39 of Lamasco, in the City of Evansville, Vanderburgh County, Indiana, hereby consents to the Petition of Warren St. Joe Property, LLC ("Petitioner") to vacate two (2) public alleys in said Block 39, which alleys are more particularly described as follows:

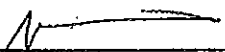
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The second alley runs from Alley #1 to another alley within Block 39 and is more particularly described as follows:

All that portion of a 12 foot alley adjoining Lots 11 through 16 and Lots 27 through 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

This Consent has been executed as of the 12th day of December, 2013.

  
\_\_\_\_\_  
Kent Niemeler

Lot Number(s): 15

Property Street Address: 2314 W. Delaware Street, Evansville, Indiana

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EXHIBIT D  
PAGE 12 OF 14



### Owner's Consent to Petition to Vacate Two Public Alleys

TO: City Council of Evansville, Indiana

The undersigned, as owner of the Lot indicated below in Block 39 of Lamasco, in the City of Evansville, Vanderburgh County, Indiana, hereby consents to the Petition of Warren St. Joe Property, LLC ("Petitioner") to vacate two (2) public alleys in said Block 39, which alleys are more particularly described as follows:

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All that portion of a 12 foot alley adjoining Lots 11 through 16 and Lots 27 through 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

This Consent has been executed as of the 19 day of December, 2013.

Cecilia L. Noelke  
Cecilia L. Noelke

(DECEASED)  
Donald R. Nelson

Lot Number(s): 1

Property Street Address: 601 N. St. Joseph Avenue, Evansville, Indiana

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EXHIBIT D  
PAGE 13 OF 14

## Owner's Consent to Petition to Vacate Two Public Alleys

TO: City Council of Evansville, Indiana

The undersigned, as owner of the Lot indicated below in Block 39 of Lamasco, in the City of Evansville, Vanderburgh County, Indiana, hereby consents to the Petition of Warren St. Joe Property, LLC ("Petitioner") to vacate two (2) public alleys in said Block 39, which alleys are more particularly described as follows:

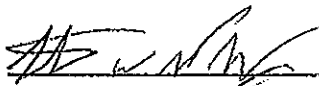
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All that portion of a 12 foot alley adjoining Lots 11 through 16 and Lots 27 through 32 in Block 39 of Lamasco in the City of Evansville, as per plat thereof, recorded in Plat Book C, page 244, in the Office of the Recorder of Vanderburgh County, Indiana.

This Consent has been executed as of the 13 day of December, 2013.

  
\_\_\_\_\_  
Steven W. Smith, Sr.

Lot Number(s): 30

Property Street Address: 2317 W. Iowa Street, Evansville, Indiana

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EXHIBIT D  
PAGE 14 OF 14

**Warren St. Joe Avenue Property, LLC  
Adjacent Property Owners within 200'  
12' Alleyway Vacation @ St. Joe/Delaware/Iowa  
#8230 November 6, 2013**

Tax Code: 82-05-23-018-114.012-025  
WG EVANSVILLE IN LANDLORD LLC  
PO BOX 1159  
DEERFIELD, IL 60015

Tax Code: 82-05-24-030-013.018-029  
THOMAS, DENNIS D & JEANNE M T / E  
616 N TWELFTH AVE  
EVANSVILLE, IN 47712

Tax Code: 82-05-24-030-001.024-029  
BAN TERRA BANK  
133 CROSS POINTE BLVD  
EVANSVILLE, IN 47715

Tax Code: 82-05-24-030-013.019-029  
WILSON, MICHAEL & HEATHER T/E  
4950 MOYE RD  
NEW HARMONY, IN 47631

Tax Code: 82-05-24-030-001.026-029  
Tax Code: 82-05-24-030-001.029-029  
Tax Code: 82-05-24-030-014.001-029  
CINCO PROPERTIES LLC  
PO BOX 6388  
EVANSVILLE, IN 47719-0388

Tax Code: 82-05-24-030-013.020-029  
BAKER, JAMES C & JULIA K H/W  
8853 SLATE RD  
EVANSVILLE, IN 47720

Tax Code: 82-05-24-030-001.027-029  
BLACKBURN, DERYL A  
2319 W DELAWARE ST  
EVANSVILLE, IN 47712

Tax Code: 82-05-24-030-013.021-029  
SMART, DAVID  
610 N TWELFTH AVE  
EVANSVILLE, IN 47712

Tax Code: 82-05-24-030-001.028-029  
MCINTYRE, WILLIAM R & KATHY R H / W  
2317 W DELAWARE ST  
EVANSVILLE, IN 47712

Tax Code: 82-05-24-030-013.022-029  
NIEMEIER, KENT  
8611 WOODLAND LAKE RD  
EVANSVILLE, IN 47712

Tax Code: 82-05-24-030-001.030-029  
TURNER, GREGORY A  
2313 W DELAWARE ST  
EVANSVILLE, IN 47712

Tax Code: 82-05-24-030-013.023-029  
BAKER, JAMES C & JULIA K H/W  
8835 SLATE RD  
EVANSVILLE, IN 47720

Tax Code: 82-05-24-030-001.031-029  
WHOBERRY, TERESA J  
2311 W DELAWARE ST  
EVANSVILLE, IN 47712

Tax Code: 82-05-24-030-013.024-029  
NELLIS, THOMAS E & KELLE ZOE T / E  
604 N TWELFTH ST  
EVANSVILLE, IN 47712

Tax Code: 82-05-24-030-001.041-029  
BEREAN BIBLE CHURCH INC  
700 N TWELFTH AVE  
EVANSVILLE, IN 47712

Tax Code: 82-05-24-030-013.025-029  
RENNELS, GARY  
602 N TWELFTH AVE  
EVANSVILLE, IN 47712

Tax Code: 82-05-24-030-013.017-029  
GOODWIN, MARGARET A  
618 N TWELFTH AVE  
EVANSVILLE, IN 47712

Tax Code: 82-05-24-030-013.026-029  
Tax Code: 82-05-24-030-015.002-029  
M INVESTMENTS LLC  
PO BOX 21233  
OWENSBORO, KY 42304

Tax Code: 82-05-24-030-015.001-029  
HOUSING AUTHORITY CITY OF  
EVANSVILLE  
500 COURT ST  
EVANSVILLE, IN 47708-1340

Tax Code: 82-05-23-018-116.017-025  
BANK OF EVANSVILLE NA  
PO BOX 5189  
EVANSVILLE, IN 47716-5189

Tax Code: 82-05-23-018-116.005-025  
D & G PROPERTIES INC D/B/A DUNIVANT  
& GRISHAM PROP  
5250 US HWY 60 W  
PADUCAH, KY 42001-9831

Tax Code: 82-05-23-018-116.003-025  
SCHMITT, STEVE  
3220 ORCHARD ROAD  
EVANSVILLE, IN 47720

Tax Code: 82-05-23-018-116.002-025  
Tax Code: 82-05-23-018-116.043-025  
Tax Code: 82-05-23-018-116.001-025  
SES LLC  
225 W MORGAN AVE BLDG 3B  
EVANSVILLE, IN 47710

Westside Improvement Association  
Attn: Bill Jeffers  
2641 Malibu Drive  
Evansville, IN 47725

Tax Code: 82-05-24-030-014.030-029  
HAMMERS, LISA E.  
2227 W. IOWA ST  
EVANSVILLE, IN 47712



City Engineer's Office  
CIVIC CENTER COMPLEX, ROOM 321  
1 N.W. MARTIN LUTHER KING, JR BLVD.  
EVANSVILLE, INDIANA 47708-1875  
Phone: (812) 436-4990 FAX: (812) 436-4976  
TDD/Hearing Impaired (812) 436-4934

November 27, 2013

Mr. Jason P. Lueking  
Bamberger, Foreman, Oswald & Hahn, LLP  
201 N. Illinois Street, Suite 1225  
Indianapolis, IN 46204-4219

Re: Petition for Vacation of Alleys  
Proposed CVS Pharmacy  
St. Joseph Avenue/West Delaware Street/West Iowa Street

Dear Mr. Lueking:

I am writing in regards to the above referenced subject and your letter dated November 26, 2013.

The alleys proposed to be vacated are improved alleys in Block 39 of Lamasco between West Delaware Street and West Iowa Street. The area proposed to be vacated appears to be utilized primarily for access to properties owned on each side of the subject alleys. The proposed development would render the access purpose of the alleys moot.

Within the area proposed to be vacated, there are no public facilities (street pavement, sidewalks, storm sewers) under the jurisdiction of this office for which this office desires to retain easements, nor does this office have any plans for improvements of the area proposed to be vacated. This office would request the development provide sidewalks along its West Delaware Street and West Iowa Street frontage that meet current Americans with Disabilities Act (ADA) standards; provide drainage to the existing storm sewer in St. Joseph Avenue for the proposed site; and use appropriate best management practices (BMPs) for storm water discharges.

As such this office has no objections to the proposed vacation.

If you have any questions, please contact me at (812) 436-4990.

For the City Engineer's Office,

*J. Cris Cottom, P.E.*  
J. Cris Cottom, P.E.  
Assistant City Engineer

cc: Patrick R. Keepes, P.E., City Engineer  
File

EXHIBIT F  
PAGE 1 OF 1

**Lueking, Jason**

---

**From:** Singer, Brian <Bsinger@evansvillefiredepartment.com>  
**Sent:** Tuesday, December 03, 2013 4:01 PM  
**To:** Vardaman, Lori  
**Cc:** Lueking, Jason; Grimm, Dan  
**Subject:** RE: Petition for Vacation of Alleys

I have reviewed the documents you have sent me for the petition to vacate the alleyways in Block 39 of Lamasco in Evansville, Indiana. The Fire Department has no objections to this proposal as shown in the engineering design.

Brian R. Singer  
Fire Marshal  
Evansville Fire Department  
550 SE Eighth St.  
Evansville, IN 47713  
Phone: (812)436-4423  
Fax: (812)435-6248  
E-mail: [bsinger@evansvillefiredepartment.com](mailto:bsinger@evansvillefiredepartment.com)

---

**From:** Vardaman, Lori [<mailto:lvardaman@bamberger.com>]  
**Sent:** Tuesday, November 26, 2013 3:27 PM  
**To:** Singer, Brian  
**Cc:** Lueking, Jason  
**Subject:** Petition for Vacation of Alleys

Mr. Singer,

Attached is correspondence from Jason Lueking regarding a Petition for Vacation of Alleys.

**Lori K. Vardaman, Assistant to Jason P. Lueking,  
Clayton C. Miller, and Jamie B. Dameron  
Bamberger, Foreman, Oswald & Hahn, LLP**  
201 N. Illinois Street, Suite 1225  
Indianapolis, IN 46204-4219  
(317) 464-1591 (main office)  
(317) 822-6778 (direct dial)  
(317) 464-1592 (fax)  
[lvardaman@bamberger.com](mailto:lvardaman@bamberger.com)

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**Bamberger, Foreman, Oswald & Hahn, LLP**

Bamberger attorneys are licensed in Indiana, Kentucky and Illinois. We have office locations in Evansville, Indianapolis, Princeton, and Poseyville. We handle business client services and transactions, litigation, human resources, health care, wills and trusts, probate, family law, mediations, real estate and zoning. For more information about Bamberger, please visit our webpage at <http://www.bamberger.com>.

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IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that (i) any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

EXHIBIT 6  
PAGE 1 OF 1